

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Richard B. Lucientes,

Civil No. 09-760 (RHK/AJB)

Petitioner,

**ORDER**

v.

Warden Dwight L. Fondren,

Respondent.

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Petitioner has filed Objections to the August 28, 2009 Report and Recommendation of Magistrate Judge Arthur J. Boylan in which Judge Boylan has recommended the denial of the Petition for writ of habeas corpus. The Court has now reviewed de novo the Report and Recommendation and Petitioner's Objections.

Based upon that review and all of the files, records and proceedings herein, **IT IS ORDERED:**

The Objections (Doc. No. 13) are **OVERRULED**;

The Report and Recommendation (Doc. No. 8) is **ADOPTED**; and

The Petition under 28 U.S.C. § 2241 for Writ of Habeas Corpus (Doc. No. 1) is **DISMISSED WITH PREJUDICE.**

Dated: November 6, 2009

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge